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| 09/918,001 | 07/30/2001 | Ulrich Boelkens | A34440 071308.0198 | 9762 |
| 21003 | 7590 | 10/27/2003 | EXAMINER | |
| BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | LIU, JOSHUA C | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 10/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,001

Applicant(s)

BOELKENS ET AL.

Examiner

Joshua C Liu

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001 (priority date 6/8/2001).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 05/10/2002 was filed after the mailing date of the Application on 07/30/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings are objected to because:
 - Fig. 1-2 are informal.
 - Fig. 1-4 contain annotations in German, not English.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 2-5, 8, and 10 are objected to because of the following informalities:
 - Claim 2 recites the limitation "function objects" in L. 1-2, which is unclear in scope in reference to "function objects" in claim 1.

- Claim 3 recites the limitation "the program sequence" in L. 2. There is insufficient antecedent basis for this limitation in the claim.
- Claim 4 recites the limitation "the system infrastructure" in L. 2. There is insufficient antecedent basis for this limitation in the claim.
- Claim 5 recites the limitation "the system infrastructure" in L. 2. There is insufficient antecedent basis for this limitation in the claim.
- Claim 8 recites the limitation "a function object" in L. 3, which is unclear in scope in reference to "function objects" in claim 1.
- Claim 10 refers to "computer-legible" medium and program in L. 1-2. The Examiner advises that the Applicant substitute "computer-legible" with "computer-readable" to avoid a bar for non-statutory invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai (US Patent Number 6,334,076; Issued 12/25/2001).

Claim 1

Claim 1 recites

- A method for generating software for an open drive regulator, comprising:
- a) selecting function objects;
 - b) separately coupling each of the function objects; and
 - c) generating the software for the open drive regulator from the compiled function objects,

which is anticipated by Sakurai, wherein Sakurai teaches:

- A method for generating software for computer controlled systems, comprising:
 - a) (Sakurai Col 2 L. 24-28, "A desired combination... of graphics information.")
 - b) (Sakurai Col 2 L. 24-29, "A desired combination... program function.")
 - c) (Sakurai Col 2 L. 29-33, "These customized modules... load module program.")

Claim 2

Claim 2 recites "the method according to claim 1, wherein function objects are produced, or existing function objects in a basic system are modified on a customer-specific basis," which is anticipated by Sakurai, wherein:

- (Sakurai Col 1 L. 54-58, "It is an object... programming novices.")

Claim 3

Claim 3 recites "the method according to claim 1, wherein the function objects are included in the program sequence either statically in the course of overall generation, or dynamically in the course of reloading," which is anticipated by Sakurai, wherein:

- The function objects are included in the program sequence either statically in the course of overall generation (Sakurai Col 2 L. 28-33, "A number of... load module

program.”), or dynamically in the course of reloading (Sakurai Col 5 L. 37-49, “While observing... display information file.”).

Claim 4

Claim 4 recites “the method according to claim 1, wherein a configuration view is permanently allocated to the function objects using the system infrastructure,” which is anticipated by Sakurai, wherein:

- (Sakurai Fig. 9; Col 4 L. 59-65, “The function... shown in FIG. 2.”).

Claim 5

Claim 5 recites “the method according to claim 1, wherein a diagnosis view is permanently allocated to the function objects using the system infrastructure,” which is anticipated by Sakurai, wherein:

- (Sakurai Col 2 L. 45-50, “According to the... displayed graphics information.”; Col 4 L. 11-14, “However, the condition... generation of the program.”; Col 2 L. 6-15, “It is a further... generated program modules”).

Claim 6

Claim 6 recites “the method according to claim 1, wherein the function objects are selected by means of a system object,” which is anticipated by Sakurai, wherein:

- (Sakurai Col 12 L. 63-66, “The standard module... the standard module stacker.”; Fig. 6A-E; Col 14 L. 32-39, “Each arithmetic operation... stored in the file.”).

Claim 7

Claim 7 recites "the method according to claim 1, wherein the compiled function objects are preprocessed and stored as library routines," which is anticipated by Sakurai, wherein:

- (Sakurai Abstract L. 3-4, "A number of general... prepared beforehand."; Col 6 L. 62-Col 7 L. 1, "The assembler source... for each plant."; Col 10 L. 41-44, "The assembler source... was read."; Col 10 L. 65-67, "Therefore, by using... without compiling.").

Claim 8

Claim 8 recites "the method according to claim 1, wherein the software has a system configuration which is stored, and only one change relating to the relevant function object can be carried out when a function object is added or removed," which is anticipated by Sakurai, wherein:

- (Sakurai Col 18 L. 13-16, "The file stores... as one unit.").

Claim 9

Claim 9 recites "the method according to claim 1, wherein data required for software generation are made available via an interface for connection to a data bus or a smart card," which is anticipated by Sakurai, wherein:

- (Sakurai Fig. 1 Element 3; Col 5 L. 15-17, "As described above,... in the floppy disk.").

Claim 10

Claim 10 recites "A computer program in a computer-legible medium, comprising computer-legible program means for performing the method according to claim 1, and wherein the program is run by an open drive regulator having control electronics," which is anticipated by Sakurai, wherein:

- A computer program in a computer-readable medium comprising computer-readable program means for generating software for computer controlled systems (Sakurai Fig. 1 Element 10EWS and 20), comprising:
 - a) (Sakurai Col 2 L. 24-28, "A desired combination... of graphics information.")
 - b) (Sakurai Col 2 L. 24-29, "A desired combination... program function.")
 - c) (Sakurai Col 2 L. 29-33, "These customized modules... load module program."),

and wherein the program is run by an apparatus for automatically generating control programs for computer controlled systems that operate electrical and/or hydraulic actuators (Sakurai Fig. 1), which is an open drive regulator as defined in the Applicant's Background of the Invention.

Claim 11

Claim 11 recites "an open drive regulator having control electronics which contain means for running a software product produced in accordance with the method according to claim 1," which is anticipated by Sakurai, wherein:

- An apparatus for automatically generating control programs for computer controlled systems that operate electrical and/or hydraulic actuators (Sakurai Fig.

1), which is an open drive regulator having control electronics as defined in the Applicant's Background of the Invention, which contain means for running a software product produced in accordance with a method comprising:

- a) (Sakurai Col 2 L. 24-28, "A desired combination... of graphics information.")
- b) (Sakurai Col 2 L. 24-29, "A desired combination... program function.")
- c) (Sakurai Col 2 L. 29-33, "These customized modules... load module program."),

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua C Liu whose telephone number is (703) 305-6435. The examiner can normally be reached on Monday-Friday, 8:30am-5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on (703) 305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



jl



Wilbert L. Starks, Jr.
Primary Examiner
Art Unit 2121